

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Christopher DeNitto	Team: Team # 2	CCRB Case #: 200805110	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Monday, 02/25/2008 10:30 PM	Location of Incident: § 87(2)(b)	Precinct: 43	18 Mo. SOL 8/25/2009	EO SOL 8/25/2009	
Date/Time CV Reported Wed, 04/09/2008 10:46 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 04/09/2008 10:46 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Wilson Verdesoto	26997	937685	BX/Q IM
2. SGT Sean Lynch	04339	917115	BX/Q IM
3. POM Thomas Dunne	20950	936530	PSA 4

Officer(s)	Allegation	Investigator Recommendation
A.SGT Sean Lynch	Abuse: Sgt. Sean Lynch stopped § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)
B.POM Wilson Verdesoto	Abuse: PO Wilson Verdesoto searched § 87(2)(b)	§ 87(2)(b)
C.POM Thomas Dunne	Abuse: PO Thomas Dunne searched § 87(2)(b)	§ 87(2)(b)
D.POM Wilson Verdesoto	Abuse: PO Wilson Verdesoto searched the car in which § 87(2)(b) was an occupant.	§ 87(2)(b)
E.POM Thomas Dunne	Off. Language: PO Thomas Dunne made remarks to § 87(2)(b) based upon race.	§ 87(2)(b)
F.POM Thomas Dunne	Force: PO Thomas Dunne used physical force against § 87(2)(b)	§ 87(2)(b)
G.POM Wilson Verdesoto	Force: PO Wilson Verdesoto used physical force against § 87(2)(b)	§ 87(2)(b)

Synopsis

On April 9, 2008, § 87(2)(b) called the CCRB and filed a complaint on behalf of her son, § 87(2)(b) and his friend, § 87(2)(b) that was recorded on the call processing system. § 87(2)(b) was not a witness to the incident.

On February 25, 2008, § 87(2)(b) and § 87(2)(b) were talking to their friend, § 87(2)(b) who was in a mini-van, on the corner of Stratford Avenue and § 87(2)(b) in the Bronx, when they were stopped by Sgt. Sean Lynch, PO Wilson Verdesoto, and PO Thomas Dunne (**Allegation A**). As soon as the officers approached them § 87(2)(b) drove away and Sgt. Lynch followed him in the police van. PO Verdesoto and PO Dunne remained on the scene with § 87(2)(b) and § 87(2)(b). § 87(2)(b) stated that PO Verdesoto asked him for his identification and when he told PO Verdesoto that he did not have it on him, PO Verdesoto allegedly searched him and PO Dunne searched § 87(2)(b) (**Allegations B and C**). § 87(2)(b) also maintained that PO Verdesoto searched § 87(2)(b)'s car which was parked along the curb where the incident took place (**Allegation D**). § 87(2)(b) told PO Verdesoto and PO Dunne, "Ya'll are always harassing people" and PO Dunne replied, "What do you mean by ya'll?" § 87(2)(b) said, "Ya'll in blue suits" and PO Dunne allegedly responded, "Ya'll the boy in black" referring to § 87(2)(b)'s skin color. § 87(2)(b) then said, "Ya'll the pigs" and PO Dunne allegedly called § 87(2)(b) a "Nigger" (**Allegation E**). PO Verdesoto and PO Dunne then attempted to place § 87(2)(b) under arrest and in doing so PO Verdesoto and PO Dunne pushed § 87(2)(b) and tackled him to the ground (**Allegations F and G**). § 87(2)(b) was eventually issued a summons for § 87(2)(b) and was then allowed to leave. § 87(2)(b) was not issued a summons or arrested. On § 87(2)(b), § 87(2)(b) went to § 87(2)(b) because he was experiencing pain in his neck.

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

This case was originally assigned to Investigator Cynthia Lee-Williams and was reassigned to Investigator Christopher DeNitto on September 19, 2008.

Summary of Complaint

Civilian Statements

§ 87(2)(b) § 87(2)(b)

§ 87(2)(b) a § 87(2)(b) black male, was interviewed at the CCRB on April 28, 2008. On February 25, 2008, at approximately 10:30p.m., § 87(2)(b) was in his home (§ 87(2)(b) § 87(2)(b) in the Bronx) when he received a call on his cellular phone from his cousin, § 87(2)(b) § 87(2)(b) asked § 87(2)(b) for several dollars to purchase gas. § 87(2)(b) exited his apartment complex to meet up with § 87(2)(b). The two men met at the corner § 87(2)(b), in the Bronx. § 87(2)(b) parked his 2006 Black Ford Fusion near the corner. § 87(2)(b) noted that on the day of incident, he wore a black hood, and blue jeans; § 87(2)(b) wore a white t-shirt and blue jeans. § 87(2)(b) described the lightening as being dim. On this date, several of the electrical outdoor lights did not function.

§ 87(2)(b) approached § 87(2)(b) who was still seated inside his vehicle, in the driver's seat. § 87(2)(b) did not have any occupants in his vehicle). § 87(2)(b) began to hand over § 87(2)(b) a \$20 bill; however, § 87(2)(b) stated that he only needed \$10. § 87(2)(b) decided to get change from a store; though, one of his family's friends, § 87(2)(b) just drove by § 87(2)(b) § 87(2)(b) was in the passenger side of his friend's (unidentified male) tan mini-van (older model). On the day of incident, § 87(2)(b) wore a tan jacket, blue jeans, and tan boots. § 87(2)(b) exited his friend's vehicle, which was parked on the corner, by a fire hydrant, and met § 87(2)(b) with a handshake. § 87(2)(b) then asked § 87(2)(b) if he had change for a \$20 bill. § 87(2)(b) entered his pants' pockets, took out several bills, and began counting the bills.

At that moment, a marked van, turned right on § 87(2)(b) and the police car parked adjacent to § 87(2)(b)'s car. § 87(2)(b) car was parked in-front of § 87(2)(b)'s car. At that moment, § 87(2)(b) immediately entered § 87(2)(b)'s vehicle. The officers, who were identified through the investigation as Sgt. Sean Lynch, PO Wilson Verdesoto and PO Thomas Dunne ordered both men to exit the vehicle. § 87(2)(b) and § 87(2)(b) both complied. At that time, § 87(2)(b) drove off and left the scene. Sgt. Lynch left PO Verdesoto and PO Dunne at the location and followed § 87(2)(b) two blocks down, stopping him at § 87(2)(b) § 87(2)(b).

The officers brought § 87(2)(b) and § 87(2)(b) towards the back of the vehicle and requested their identification. § 87(2)(b) provided his identification however § 87(2)(b) did not have his identification with him. PO Verdesoto then frisked and searched § 87(2)(b) and PO Dunne frisked and searched § 87(2)(b) § 87(2)(b) explained that PO Verdesoto patted him down, and entered his two front pants' pockets. The officers informed the two men that they believed that a transaction had just occurred.

PO Verdesoto then searched § 87(2)(b)'s vehicle as PO Dunne stayed towards the back of the vehicle with the § 87(2)(b) and § 87(2)(b). PO Verdesoto searched the front seats of the car as well as underneath the seats. PO Verdesoto also searched the pockets located behind the driver and passenger seats. § 87(2)(b) estimated that the search lasted for approximately 10 minutes, and that PO Verdesoto did not search the trunk. PO Verdesoto did not recover anything from the search, thus he did not confiscate any items.

During the search, § 87(2)(b) continuously informed the officers that he was scheduled to go to work. § 87(2)(b) then said to the officers, "Ya'll are always harassing people!" PO Dunne replied, "What do you mean by ya'll?" § 87(2)(b) responded, "Ya'll in blue suits!" PO Dunne said "Ya'll the boy in black!" § 87(2)(b) responded, "Ya'll the pigs." PO Dunne then called § 87(2)(b) a "Nigger." § 87(2)(b) then called PO Dunne a "Spic...cracker...faggot." PO Dunne responded to § 87(2)(b)'s last comments by forcefully pushing him; PO Dunne placed his hands on § 87(2)(b)'s chest. § 87(2)(b) stumbled approximately 5 feet backwards; he moved from the street to the sidewalk. § 87(2)(b) did not sustain any injuries from this use of force. § 87(2)(b) responded to the force by smirking. § 87(2)(b) told PO Dunne, "You're going to make me late today. You're making it harder for me." At the time, PO Verdesoto was still searching § 87(2)(b)'s car, and § 87(2)(b) was unable to determine if PO Verdesoto heard the conversation occurring between him and PO Dunne.

PO Verdesoto then told § 87(2)(b) to enter his car and leave the scene. At this time, § 87(2)(b) stood in close vicinity to § 87(2)(b) and observed the entire incident. PO Dunne then approached § 87(2)(b) and ordered him to place his hands behind his back. § 87(2)(b) voiced that the officers were placing him under arrest for no reason; he then placed his hands inside his pockets. Both PO Dunne and PO

Verdesoto held § 87(2)(b)'s arms to arrest him and § 87(2)(b) responded by slightly moving his arms. With PO Dunne on his left hand side, and PO Verdesoto on his right hand side, both officers grabbed § 87(2)(b)'s arms; PO Dunne then pushed § 87(2)(b) with both hands, onto a metal gate which circumfused a nearby church. § 87(2)(b) stated that this gate was approximately 10 feet away from the marked patrol car. PO Dunne placed his hands on § 87(2)(b)'s chest. § 87(2)(b)'s back made contact with the metal gate. § 87(2)(b) then threw his phone and keys at § 87(2)(b) because § 87(2)(b) wanted his cousin to call § 87(2)(b) and inform her about the incident. PO Dunne then grabbed § 87(2)(b)'s left arm, and PO Verdesoto grabbed his right, and both officers threw § 87(2)(b) to the floor. § 87(2)(b)'s chest and knees landed on the ground. § 87(2)(b) deemed the force as being severe. While § 87(2)(b) was on the ground, PO Verdesoto kicked § 87(2)(b) once on the back of the neck. PO Verdesoto then mounted § 87(2)(b) and handcuffed him. During this process, § 87(2)(b) asked the officers why he was being placed under arrest; the officers informed him that it was because he did not have identification. The officers then picked § 87(2)(b) up from the floor. § 87(2)(b) remarked that § 87(2)(b) did not leave the incident, and stood in close vicinity to them, where he would have been able to witness the incident. PO Verdesoto and PO Dunne then walked § 87(2)(b) over to a the patrol van, which was parked approximately two blocks away, at § 87(2)(b) and § 87(2)(b) in the Bronx. When § 87(2)(b) was in close vicinity to the patrol van, he began yelling § 87(2)(b)'s name. § 87(2)(b) explained that his residence is in very close proximity to this particular location.

§ 87(2)(b)'s mother, § 87(2)(b) ran downstairs, exited her apartment building, and approached the scene. At the time, PO Dunne stood in-front of the police van, which was several feet away from Sgt. Lynch and PO Verdesoto, who stood in very close proximity to § 87(2)(b). By that time, § 87(2)(b) and § 87(2)(b) had already left the scene. § 87(2)(b) asked the officers in a soft tone of voice why her son was being arrested. PO Verdesoto responded that § 87(2)(b) was being arrested because he did not have any identification. § 87(2)(b) informed the officers that she was his mother; PO Verdesoto then suggested to § 87(2)(b) that she speak with Sgt. Lynch. When § 87(2)(b) asked Sgt. Lynch for information regarding the arrest he told her to "Shut up." At that point § 87(2)(b) stood adjacent to § 87(2)(b) and the officers stood within several feet from them. § 87(2)(b) then pointed to PO Verdesoto and told his mother, "This is the officer who kicked me in the neck." § 87(2)(b) then stated to the officers, "I don't have any identification. So are you going to lock me up?" The officers did not respond and they immediately placed § 87(2)(b) in the back-seat of the vehicle and drove him to § 87(2)(b) and § 87(2)(b) which was approximately two blocks away from their location. § 87(2)(b) was released at this location, and was issued with a summons; he then returned home.

§ 87(2)(b) sustained several injuries due to the incident. He suffered pain in his neck and a lump on his head. § 87(2)(b) received medical attention at § 87(2)(b) on § 87(2)(b). § 87(2)(b) remained in the hospital for five hours. § 87(2)(b) received Motrin for his pain, and the lump on his head decreased within two days. § 87(2)(b) noted that no other civilians and no additional officers were present during the incident.

§ 87(2)(b)

§ 87(2)(b) a § 87(2)(b) black female, was interviewed at the CCRB on April 28, 2008.

On February 25, 2008, at approximately 10:30pm, § 87(2)(b) heard screaming from outside her apartment; it was coming from her son, § 87(2)(b) who yelled "mommy" several times. § 87(2)(b) resides in a public housing building, located at § 87(2)(b), in the Bronx. § 87(2)(b) ran downstairs, and exited her apartment complex. When § 87(2)(b) walked down to the corner of her block, § 87(2)(b) and § 87(2)(b) she observed § 87(2)(b) in handcuffs, seated in the back seat of a marked police van and he was surrounded by three uniformed officers. § 87(2)(b) approached the officers and asked, "Why is he being arrested?" and PO Wilson Verdesoto, who was identified through the investigation, responded that they presumed that a drug transaction had just transpired. § 87(2)(b) then asked the officers if they found any illegal substances on her son and the officers told her that none was found. § 87(2)(b) then asked the officers, several times, why § 87(2)(b) was being placed under arrest. PO Verdesoto told § 87(2)(b) to speak to Sgt. Sean Lynch, who was identified through the investigation. § 87(2)(b) then addressed Sgt. Lynch and said, "This is a young black man that may lose his job based on an assumption of evidence." Sgt. Lynch then told § 87(2)(b) to "Shut up." At this time, PO Verdesoto was standing to the left of § 87(2)(b). Sgt. Lynch was standing in front of her and the

third officer was standing to her right. § 87(2)(b) told Sgt. Lynch that she was not going to speak to him and PO Verdesoto interjected and told § 87(2)(b) that her son was being arrested because he could not provide identification when they requested it. At that point, § 87(2)(b) who stood adjacent to § 87(2)(b) pointed to PO Verdesoto, and said to his mother, "That's the officer who put his boot on me."

The officers did not respond to § 87(2)(b)'s or § 87(2)(b)'s statements. They immediately entered their marked van and left the scene. When § 87(2)(b) eventually entered her building complex, she was met shortly thereafter by § 87(2)(b). § 87(2)(b) informed his mother that the officers drove him approximately two blocks down, issued him a summons and then released him. § 87(2)(b) noted that there were no civilian witnesses and no additional officers on the scene. § 87(2)(b) did not observe the officers use any physical force on § 87(2)(b) but she stated that § 87(2)(b) later complained of having a headache.

Results of Investigation

Civilians Not Interviewed

§ 87(2)(b) was not interviewed in connection with this case because he was uncooperative with the investigation. On August 11, 2008, § 87(2)(b) did not appear for his scheduled interview and he did not call in advance to cancel or reschedule. Subsequent phone call attempts were made to § 87(2)(b) but the investigator was not able to reach him and messages were left. § 87(2)(b) did not return any of the investigators phone calls. Please call letters were mailed to § 87(2)(b) on August 12 and 18, 2008, but § 87(2)(b) did not respond to either letter and they were not returned to the CCRB.

§ 87(2)(b) was not interviewed in connection with this investigation because he was in the van that was stopped by Sgt. Lynch two blocks away from where the incident with § 87(2)(b) and § 87(2)(b) occurred. § 87(2)(b) did not witness any of the allegations that took place § 87(2)(g)

Officer Identification

PO Wilson Verdesoto was identified through the investigation because he is the officer who filled out the stop, question, and frisk report for § 87(2)(b) and his name is listed on the summons that was issued to § 87(2)(b). During his CCRB interview PO Verdesoto identified Sgt. Sean Lynch as his partner. The Bronx IRT roll call confirms that both PO Verdesoto and Sgt. Lynch were on duty at the time of the incident.

Officer Statements

PO Wilson Verdesoto

PO Wilson Verdesoto was interviewed at the CCRB on August 15, 2008. PO Verdesoto worked in uniform from 6:00pm on February 25, 2008 until 2:35am on February 26, 2008. PO Verdesoto was working with Sgt. Sean Lynch and he was dressed in uniform and assigned to marked RMP #9456. PO Verdesoto stated that he was also working with another officer; however he did not recall this male officer's identity. PO Verdesoto was the operator. PO Verdesoto had an entry in his memo book regarding the incident that read, "2250hrs one male stopped, § 87(2)(b). 2300hrs § 87(2)(b), summons number § 87(2)(b). Defendant was extremely disrespectful towards officer. Defendant was told numerous times to stop causing a scene. Defendant kept yelling and cursing for no legitimate reason. Defendant called officers spics and crackers. Defendant yelled for people to help him. Defendant was cuffed and put inside a van, 9456, given a summons after he calmed down."

PO Verdesoto stated that on February 26, 2008, he and his partners were patrolling the Bronx River Houses. The officers made a right onto § 87(2)(b) and PO Verdesoto saw three males and two cars. One car was parked on the curb of § 87(2)(b) and the other was double parked, standing adjacent to the first vehicle, in the middle of the street. PO Verdesoto described this area, stating that it was a public area, common for extensive drug activity and gun possession.

On this night, PO Verdesoto observed the three males for a few seconds; the officers were in their vehicles approximately 40 feet away. Once the three males observed the officers, they quickly entered their vehicles. The occupant of the double parked car quickly left the scene. PO Verdesoto stated that at this point, the officers assumed that the men ran to their vehicles because they were engaged in a drug transaction. PO Verdesoto stated that he did not observe a drug transaction occurring, though assumed that it was taking place because of the history of this location and the fact that the men were right next to one another. PO Verdesoto said that he wanted to approach the men to ask, "What were they doing" and why did the other vehicle drive off so quickly.

PO Verdesoto and the other officers stayed at the scene; Sergeant Lynch entered the van and followed the other car. This vehicle was approximately half a block away from the scene of the incident, located at § 87(2)(b) and § 87(2)(b). PO Verdesoto did not know the interaction Sergeant Lynch had with the driver of the van, though stated that this man was not issued a summons and was not arrested. When PO Verdesoto and his partner approached § 87(2)(b) he was in his vehicle. PO Verdesoto asked him to exit his car, which he initially refused while questioning the stop. PO Verdesoto asked § 87(2)(b) a total of three times to exit the vehicle, and he eventually complied. § 87(2)(b) also exited the vehicle; he was the driver of the car.

When the officers began questioning the two males, § 87(2)(b) told the officers, "None of your business, we didn't do anything." The officers asked the males why they quickly dispersed and § 87(2)(b) did not answer but continued yelling and cursing at the officers. PO Verdesoto added that people began screaming from the windows, and § 87(2)(b) began screaming for his mother. The other male at the scene, § 87(2)(b) was compliant, and asked § 87(2)(b) to calm down. § 87(2)(b) responded, "Fuck that. These guys are always harassing me." § 87(2)(b) soon left the scene, after officers asked him to leave.

PO Verdesoto continuously told § 87(2)(b) to calm down. When the officers asked for § 87(2)(b)'s identification, § 87(2)(b) stated that he did not have his identification (PO Verdesoto did not request § 87(2)(b)'s identification). PO Verdesoto told § 87(2)(b) that since he did not have identification, he would bring him to the stationhouse to write him a summons for § 87(2)(b). PO Verdesoto made the decision to issue § 87(2)(b) a summons.

PO Verdesoto then attempted to cuff § 87(2)(b) and he resisted. PO Verdesoto and § 87(2)(b) then got into a tussle; § 87(2)(b) PO Verdesoto, and his partner physically struggled and all of them landed on a mesh fence. The officers were grabbing § 87(2)(b)'s hands and arms, and § 87(2)(b) refused to place them behind his back. PO Verdesoto also admitted to pushing § 87(2)(b) in order to gain compliance. The officers and § 87(2)(b) then fell onto the floor; at that point, § 87(2)(b) was handcuffed. PO Verdesoto stated that the use of force was necessary because § 87(2)(b) was resistant to the arrest. The officers then walked § 87(2)(b) to the van. Before being placed inside the van, § 87(2)(b) was frisked. PO Verdesoto stated that § 87(2)(b) was frisked for the officers' safety since he would be placed in the patrol car. He also added that it is procedure to frisk someone when they are being placed under arrest. The extent of the frisk was a pat down, and PO Verdesoto stated that § 87(2)(b) was not searched. PO Verdesoto did not recall if § 87(2)(b) was also frisked.

§ 87(2)(b) § 87(2)(b)'s mother, exited her home and ran to the scene. She accused the officers of harassing her son. § 87(2)(b) spoke with the officers and they were able to verify § 87(2)(b)'s identity. PO Verdesoto drove § 87(2)(b) approximately one block away because of the hostile crowd which formed in that area. The crowd began screaming and yelling at the officers, though they did not interfere with the investigation. Once in the vehicle, § 87(2)(b) calmed down and became apologetic towards the officers. PO Verdesoto used his discretion and chose to issue § 87(2)(b) a summons for the disorderly conduct.

PO Verdesoto stated that he did not use any other types of force on § 87(2)(b). PO Verdesoto stated that he and no other officer at the scene kicked § 87(2)(b) in his neck or pushed him. PO Verdesoto added that § 87(2)(b) did not complain of having any injuries. PO Verdesoto stated that § 87(2)(b)'s vehicle was not searched. PO Verdesoto also added that at no point during the incident did he call § 87(2)(b) "the boy in black" or refer to him as a "nigger." PO Verdesoto also stated that at no point during the incident, did he or any other officer tell § 87(2)(b) to shut up. PO Verdesoto stated that none of the officers, including him, used discourteous language towards § 87(2)(b) at the scene. PO Verdesoto added that no additional officers were present at the scene.

Sgt. Sean Lynch

Sgt. Sean Lynch, a § 87(2)(b) old white male who is 6'1" tall and weighs 225lbs, was interviewed at the CCRB on January 23, 2009. Sgt. Lynch worked from 5:50pm on February 25, 2008, until 2:47am on February 26, 2008 with PO Wilson Verdesoto. Sgt. Lynch was on duty and was in uniform and he was assigned to marked police van #9456. Sgt. Lynch did not have any entries in his memo book regarding the incident.

On February 25, 2008, Sgt. Lynch and his partner, PO Wilson Verdesoto, were driving on patrol in the vicinity of the Bronx River Houses. At approximately 10:30pm they were driving eastbound on § 87(2)(b) when they saw two males standing in front of a parked minivan. The van was parked on § 87(2)(b). One of the males was leaning into the front passenger side window of the minivan but when the two males saw the police van, the male that was leaning in the window backed away from the minivan. The two males, who were identified through the investigation as § 87(2)(b) and § 87(2)(b) appeared nervous to Sgt. Lynch and based upon their actions Sgt. Lynch suspected that a drug transaction could have been taking place. Sgt. Lynch and PO Verdesoto pulled up close to the minivan at which time PO Verdesoto got out and walked towards § 87(2)(b) and § 87(2)(b). At this time the minivan pulled away from the curb and drove away. PO Verdesoto remained with the two males on the sidewalk and Sgt. Lynch followed the minivan in the police van.

Sgt. Lynch followed the minivan for approximately a block and a half and then signaled with his lights and sirens for the minivan to pull over, which it did quickly on § 87(2)(b). Sgt. Lynch approached the minivan and observed that in addition to the driver there was another male in the back passenger seat, who was identified through the investigation as § 87(2)(b). Sgt. Lynch asked the driver for his license and registration and he questioned the driver about what he was doing in the area. Sgt. Lynch instructed both males to get out of the van and they did so. Sgt. Lynch frisked both males for his own safety but he did not search them. Sgt. Lynch then searched the minivan because he was still suspicious that a drug transaction had taken place. Sgt. Lynch illuminated the interior of the minivan with his flashlight and he looked under the seats, on the floor, and within consoles. Sgt. Lynch did not find any illegal drugs nor illicit materials in the van or on the two males. Sgt. Lynch then allowed the two males to get back in the minivan and leave the scene since nothing illegal was found.

PO Verdesoto then returned to the police van with § 87(2)(b) in custody for acting disorderly. PO Verdesoto put § 87(2)(b) in the police van and then wrote him a summons for § 87(2)(b). Sgt. Lynch did not know what happened between PO Verdesoto and § 87(2)(b) and he was not aware if a struggle had taken place between them.

PO Thomas Dunne

PO Thomas Dunne was interviewed at the CCRB on April 1, 2009. On February 25, 2008, PO Dunne worked from 5:00pm until 1:35am on February 26, 2008, with PO Wilson Verdesoto and Sgt. Sean Lynch. PO Dunne was on duty and was in uniform and he was the Sergeants operator in marked van #9456. PO Dunne did not have any entries in his memo book regarding the incident.

On February 25, 2008, PO Dunne, PO Verdesoto, and Sgt. Lynch were driving on patrol in a marked police van when they stopped § 87(2)(b) and § 87(2)(b) who were standing on the sidewalk on § 87(2)(b). There was a third male on the scene, who was identified through the investigation as § 87(2)(b) and he drove away as soon as the officers approached § 87(2)(b) and § 87(2)(b). PO Verdesoto and PO Dunne remained with § 87(2)(b) and § 87(2)(b) while Sgt. Lynch got back in the van and followed § 87(2)(b). PO Dunne did not recall why they stopped § 87(2)(b) and § 87(2)(b) or what initially drew their attention to them on the sidewalk. PO Dunne stated that § 87(2)(b) and § 87(2)(b) were both asked for their identification and while § 87(2)(b) was very cooperative, § 87(2)(b) was not and he refused to provide his identification to the officers. PO Dunne did not recall any of the conversation that he and PO Verdesoto had with § 87(2)(b) and § 87(2)(b) and he did not recall exactly why they asked them for identification. § 87(2)(b) was handcuffed because he refused to provide his identification and he was going to be taken back to the stationhouse to verify his identity. PO Dunne

maintained that § 87(2)(b) refused to give the officers his hands to be handcuffed so he was placed against a fence and then handcuffed. PO Dunne stated that § 87(2)(b) was not slammed or thrown up against the fence and no other physical force was used on him during the incident. By this time Sgt. Lynch had returned to the location and § 87(2)(b) was placed in the back seat of the van. PO Dunne stated that there was a car parked along the curb that belonged to § 87(2)(b) or § 87(2)(b) but he did not recall if the car was searched. PO Dunne maintained that neither he, PO Verdesoto, nor Sgt. Lynch cursed at § 87(2)(b) or called him “the boy in black” or a “Nigger” and PO Dunne did not recall if § 87(2)(b) directed any derogatory remarks at the officers. Once § 87(2)(b) was placed in the van he calmed down and told the officers that he had identification on him and he provided it to them. § 87(2)(b) was issued a summons and then was released. PO Dunne did not recall what the summons was for because it was issued by PO Verdesoto.

Medical Documents

§ 87(2)(b) went to § 87(2)(b), because he was experiencing pain as a result of the incident. § 87(2)(b)'s chief complaint at the hospital was of neck pain and headaches due to being assaulted by the NYPD two days prior. § 87(2)(b) was examined and diagnosed with a cervical strain to his neck and he was instructed to take 600mg of Motrin twice daily for the pain (*Enc. 16a-16j*).

Police Documents

Stop, Question, and Frisk Report: PO Verdesoto filed a UF-250 report documenting the stop of § 87(2)(b). The report was filed on February 25, 2008, and the time of the incident is listed as 11:00pm in front of § 87(2)(b) in the Bronx. § 87(2)(b) was stopped because PO Verdesoto observed actions that were indicative of a drug transaction and furtive movements. § 87(2)(b) changed directions at the sight of PO Verdesoto and he was loud, boisterous, and disrespectful during the stop. § 87(2)(b) was suspected of criminal possession of a controlled substance. The duration of the stop was 15 minutes and § 87(2)(b) was not arrested but he was issued a summons for disorderly conduct. The report also documents that § 87(2)(b) was frisked but was not searched and there were no other persons stopped (*Enc. 13*).

Stop, Question, and Frisk Log: The stop, question, and frisk log contains an entry for the stop of § 87(2)(b) by PO Verdesoto (*Enc. 17*).

Bronx IRT Roll Call: The roll call confirms that Sgt. Lynch, PO Verdesoto, and PO Dunne were on duty at the time of the incident. The roll call shows that PO Dunne was assigned to RMP #9456 which is the RMP that PO Verdesoto and Sgt. Lynch stated they were assigned to on the date of the incident (*Enc. 18a-18c*).

Conviction History and Disposition of Charges

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Subject Officers CCRB History

Sgt. Sean Lynch

Sgt. Sean Lynch has been a member of the NYPD for 12 years and he has never had a CCRB allegation substantiated against him (*Enc. 1*).

PO Wilson Verdesoto

PO Wilson Verdesoto has been a member of the NYPD for four years and has never had a CCRB allegation substantiated against him (*Enc. 2*).

PO Thomas Dunne

PO Thomas Dunne has been a member of the NYPD for four years and has never had a CCRB allegation substantiated against him (*Enc. 3*).

Complainants CCRB History

§ 87(2)(b)

This is the first and only complaint that § 87(2)(b) has filed with the CCRB (*Enc.4*)

Conclusions

Undisputed Facts

The undisputed facts of this case are as follows: On February 25, 2008, § 87(2)(b) and § 87(2)(b) were stopped by Sgt. Lynch, PO Verdesoto, and PO Dunne on § 87(2)(b) in the Bronx.

Assessment of the Evidence

§ 87(2)(g)

§ 87(2)(b) Sgt. Lynch stated that § 87(2)(b) was observed leaning into the open window of a parked mini-van driven by § 87(2)(b). As soon as § 87(2)(b) saw the police van he backed away from the mini-van. Sgt. Lynch maintained that § 87(2)(b) and § 87(2)(b) appeared nervous and Sgt. Lynch stated that based on their actions a drug transaction could have been taking place. These suspicions were further raised when § 87(2)(b) pulled away from the scene and drove up the block. Sgt. Lynch, PO Verdesoto, and PO Dunne stopped § 87(2)(b) and § 87(2)(b) in order to investigate whether or not a drug transaction did in fact take place. PO Verdesoto and PO Dunne remained with § 87(2)(b) and § 87(2)(b) and Sgt. Lynch pursued § 87(2)(b) in the police van.

PO Verdesoto questioned § 87(2)(b) as to what they were doing in the area and why § 87(2)(b) drove away from the scene in such a hurry. According to PO Verdesoto, § 87(2)(b) immediately became angry and he yelled and cursed at PO Verdesoto and PO Dunne. § 87(2)(b) also yelled for his mother and in doing so people from the neighborhood began to gather in the area and residents of the apartment building opened their windows and screamed at the officers. PO Verdesoto asked § 87(2)(b) for his identification with the intention of issuing him a summons for disorderly conduct. However, when § 87(2)(b) said that he did not have any identification on him, PO Verdesoto attempted to place him under arrest so he could take him back to the stationhouse to verify his identity and issue the summons. PO Verdesoto stated that § 87(2)(b) resisted arrest and would not allow PO Verdesoto to handcuff him. PO Verdesoto acknowledged that a struggle then ensued between the officers and § 87(2)(b) and PO Verdesoto admitted to pushing § 87(2)(b) in an attempt to gain compliance. Eventually PO Verdesoto and PO Dunne were able to wrestle § 87(2)(b) to the ground and handcuff him. § 87(2)(g)

PO Verdesoto frisked § 87(2)(b) before placing him in the police van but he did not search him and he was not sure if § 87(2)(b) was frisked or searched during the incident. PO Verdesoto explained that it is normal procedure for a person that is under arrest to be frisked for weapons before he is placed in a police vehicle and taken to the stationhouse. This is for the safety of all of the officers that are involved.

§ 87(2)(b)'s car was parked alongside the curb in the vicinity where the stop took place. PO Dunne and PO Verdesoto recalled § 87(2)(b)'s car being on the scene but PO Verdesoto denied that the car was searched. PO Dunne also confirmed that the car was on the scene but he did not recall if the car was searched or not. PO Dunne, PO Verdesoto, and Sgt. Lynch maintained that none of them referred to § 87(2)(b) as "the boy in black", in reference to his skin color, nor did they call § 87(2)(b) a "Nigger" at anytime.

§ 87(2)(g)

Pleading of Allegations

§ 87(2)(g)

§ 87(2)(b) did not file a complaint or make any allegations against Sgt. Lynch. § 87(2)(b) and § 87(2)(b) did not witness anything that took place between § 87(2)(b) and Sgt. Lynch and they did not make any allegations on his behalf.

Recommendations

Allegation A: Sgt. Sean Lynch stopped § 87(2)(b) and § 87(2)(b)

§ 87(2)(g)

Allegation B: PO Wilson Verdesoto searched § 87(2)(b)

§ 87(2)(g)

Allegation C: PO Thomas Dunne searched § 87(2)(b)

§ 87(2)(g)

Allegation D: PO Wilson Verdesoto searched the car in which § 87(2)(b) was an occupant.

Allegation E: PO Thomas Dunne made remarks to § 87(2)(b) based upon race.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g) [Redacted]
[Redacted]

Allegation F: PO Thomas Dunne used physical force against § 87(2)(b) [Redacted]

Allegation G: PO Wilson Verdesoto used physical force against § 87(2)(b) [Redacted]

§ 87(2)(g) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: